

IN THE CIRCUIT COURT OF DESOTO COUNTY, MISSISSPPI

BARBARA GAGLIANO

PLAINTIFF

CV201-0045

VS.

CAUSE NO.:

PFIZER HEALTH SOLUTIONS, INC.,
JOHN DOE A THROUGH D

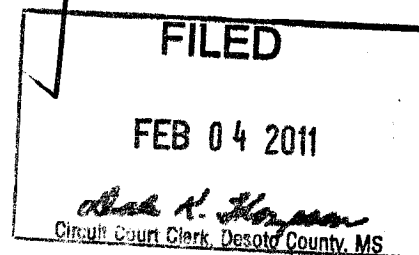
DEFENDANTS

COMPLAINT

COMES NOW, the Plaintiff, Barbara Gagliano, by and through counsel, Steven W. Pittman, Chatham Damaré Pittman, PLLC. and files this her Complaint for damages against the Defendant, Pfizer Health Solutions, Inc. and in support of her claims would state unto the court as follows, to witt:

I. PARTIES, JURISDICTION, VENUE

1. The Plaintiff is an adult resident citizen of DeSoto, County, Mississippi residing at 2036 Plumas Drive, Nesbit, Mississippi, 38651.
2. The Defendant is a Delaware corporation doing business in the State of Mississippi and may served with process upon its designated agent, C T Corporation Systems 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.
3. Defendants John Doe A through D are unknown persons or entities which may be liable to the Plaintiff for damages in this cause.
4. All acts complained of in this matter occurred in DeSoto County, Mississippi and the Plaintiff is a resident of DeSoto County, Mississippi and therefore jurisdiction and venue are proper here.



II. FACTS

5. The Plaintiff, Barbara Gagliano, began taking the product Chantix in or around the months of October or November of 2007 and continued to take Chantix periodically until February of 2008.

6. That prior to her taking Chantix, Ms. Gagliano had a complete physical done by Dr. Ying Xu in July 2007 wherein her CXR, EKG and all lab test were within normal limits at said time.

7. That in February, 2007 the Plaintiff was hospitalized with symptoms that included difficulty in breathing, swallowing and marked change in speech.

8. At that time Mrs. Gagliano was diagnosed with Congestive Heart Failure.

9. Following her release from the hospital, Ms. Gagliano continued to experience health problems associated with swallowing, loss of sensation, and loss of speech.

10. Ms. Gagliano was diagnosed with Dysarthria in June 2008 and continues to suffer from complications of this affliction as of the date of this filing.

11. Ms. Gagliano was never informed of the potential hazzards that can be caused by Chantix, including the risk of developing Dysarthria and other health related issued.

III. CAUSES OF ACTION

NEGLIGENCE

12. The Plaintiff re-alleges and reasserts paragraphs 1 through 10 above and brings her cause for negligence in the manufacture and marketing of the product Chantix by the Defendant, Pfizer Health Solutions, Inc.

13. Specifically, the Defendant has negligently produced a drug which poses health hazzards to those taking Chantix and further that the Defendant acted with negligence in that it

knew that the Chantix posed health hazzards to patients taking the product and failed to warn those patients of this potential hazzard.

GROSS NEGLIGENCE

14. The Plaintiff re-alleges and reasserts paragraphs 1 through 13 above and brings her cause for gross negligence in the manufacture and marketing of the product Chantix by the Defendant, Pfizer Health Solutions, Inc.

15. Specifically, the Defendant acted with gross negligence evidencing a willful, wanton or reckless disregard for the safety of others by producing a product which poses health hazzards to the consumer taking the product and further that the Defendant knew that Chantix posed health hazzards to those taking it and failed to warn those persons of this potential hazzard.

IV. INJURY

16. As a direct and proximate result of the negligence, gross negligence of the Defendant, the Plaintiff was cause to suffer painful, permanent injuries including:

- a. extreme and prolonged pain and suffering; past, present and future;
- b. loss of her ability to speak;
- c. loss of the enjoyment of life;
- d. emotional distress, past, present, and future;
- e. medical expense;
- f. all other damages allowed by the laws of the State of Mississippi.

V. DEMAND

17. The Plaintiff hereby demands payment from the Defendant in an amount in excess of the jurisdiction minimum of this court for compensatory damages for her injuries in this matter.

18. The Plaintiff hereby demands an award for punitive damages against the Defendant

for its wrongful acts and causing the injuries to the Plaintiff in this matter.

WHEREFORE PREMISES CONSIDERED, the Plaintiff hereby moves this court for process upon the Defendant and for a Jury Trial once the Defendant has been joined in this matter and for damages as prayed for above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'S. W. Pittman', written over a horizontal line.

Steven W. Pittman, MSB# 10081

Attorney for Plaintiff

Chatham Damaré Pittman

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